

ORIGINAL

(12) pm
1/22/02

LANCE W. MARTIN,

Plaintiff

FILED

: NO: 1:CV-01-1107

HARRISBURG, PA

JAN 18 2002

v.

: JUDGE YVETTE KANE

MARY E. D'ANDREA, CLERK

Per

7/6

RED LION BOROUGH, et al.,

: JURY TRIAL DEMANDED

Defendants

PLAINTIFF'S OPPOSITION TO MOTION TO DISMISS/SHOW CAUSE RESPONSE

TO THE HONORABLE, JUDGE YVETTE KANE OF THE U.S. DISTRICT COURT:

NOW COMES the Plaintiff, Lance W. Martin, pro se, and respectfully moves the Court to deny Defendant's motion to dismiss, and avers the following in support thereof:

1. Defendant was to have filed this answer in December but because of continued harassment by defendant police, Plaintiff has been forced to move away to avoid continual violations of his civil rights by said police. In the confusion and turmoil resulting from his move to Baltimore, Maryland [as normally occurs in any moving experience], Plaintiff inadvertently neglected to file as he has been overwhelmed in the move.
2. Plaintiff strenuously opposes Defendant's motion and Plaintiff avers his claims are clearly supported by the decisions in

981 Federal Supplement 27, Marchese v. Umstead, 110 F. Supp. 2d. 361 (E.D. Pa. 2000), Miller v. City of Philadelphia, 954 F.Supp. 1056 (E.D. Pa. 1997), Doe v. City of Chicago, 39 F. Supp. 2d. 1106 (N.D. Ill. 1999), Strong v. Montava, 64 F. Supp. 2d. 101 (E.D.N.Y. 1999), among others.

3. Plaintiff lease of his townhome was not renewed for the 5th year by his landlady because of "criminal activity at his residence resulting in charges being filed", these charges of stealing water in this matter of which Plaintiff was found innocent but nonetheless because of defendants malicious acts Plaintiff was deprived of his property interest, in said home.

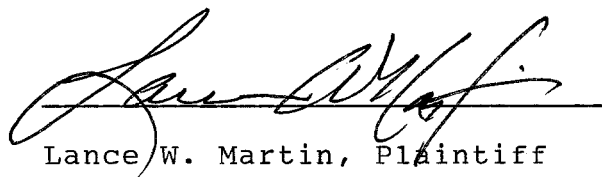
4. Once Plaintiff paid his water bill in full he should have been treated as a normal citizen but as he was in bankruptcy, he was discriminated against, threatened with water service interruption again, and ultimately criminally charged, wrongfully and unlawfully to intimidate him and to prevent Plaintiff from participating in his lawfully protected federal court bankruptcy action, and this can clearly and reasonably be inferred and deduced from the facts in this matter by any reasonable person, thereby depriving Plaintiff of his rights additionally protected by 42 U.S.C. § 1985.

WHEREFORE, Plaintiff craves this Honorable Court's benevolence, respectfully prays the Court deny Defendants' motion.

Respectfully submitted,

1-18-2002

Date

A handwritten signature in cursive script, appearing to read "Lance W. Martin", written over a horizontal line.

Lance W. Martin, Plaintiff

10 West 16th Avenue,

Baltimore, Maryland, 21225-3447.

CERTIFICATE OF SERVICE

I hereby certify that I am serving the foregoing document upon the person and in the manner that is so stated below:

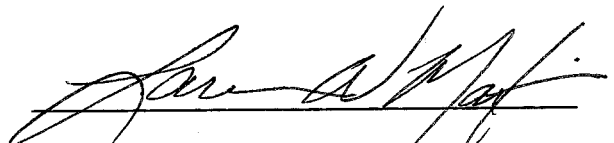
Service by U.S. Mail first class prepaid addressed as follows:

Lavery, Faherty, Young, & Patterson, P.C.,
301 Market Street, Suite 800,
Harrisburg, Pennsylvania, 17108-1245.

Respectfully submitted,

1-18-2002

Date

A handwritten signature in black ink, appearing to read "Lance W. Martin", written over a horizontal line.

Lance W. Martin, Plaintiff